THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25226 OF 2005

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Dated: 25.11.2005

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Between

Mohan S/o. Late Kistaiah, Occ: Business, R/o. Yadagirigutta, Nalgonda District.

...PETITIONER

AND

Commissioner of Endowments, Government of A.P., Hyderabad and another.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the second respondent in calling for the tenders for coconut vending stalls at Sri Mathsyagiri Laxminarasimha Swamy Devasthanam, Nalgonda District, pending disposal of his application before the first respondent for considering his case for renewal of the lease for the year 2006-2007 as illegal and arbitrary.

Admittedly, the petitioner is the lessee of the shop for the sale of coconuts in the said Devasthanam premises for a period of one year from 01.01.2005 to 31.12.2005 for a lease amount of Rs.1,10,000/-, as approved by the Commissioner, Endowments Department, vide proceedings dated 04.11.2004. It is stated that the petitioner sustained huge loss in his business and he could not realize the lease amount. However, he paid the lease amount and requested the first respondent through his application dated 08.11.2005 to renew and

extend the lease for two more years i.e. 2006 and 2007. The first respondent forwarded the said application to the second respondent for remarks. The second respondent after consulting its board of trustees and chairman, vide its letter dated 10.11.2005 recommended to the first respondent for renewal of lease to the petitioner on an enhancement of 15% of the contract amount of the year 2005, acknowledging the fact that the petitioner suffered loss in the present year.

Petitioner submits that the second respondent issued a notification for auction of the coconut stall for the year 2006 without even awaiting the orders of the first respondent on his recommendation. The auction is going to be conducted on 28.11.2005.

In the absence of the petitioner showing any provisions entitling him for extension of the lease period, I am of the opinion that the petitioner has no vested right to get extension of the lease period for two more years as recommended by the second respondent. However, it is open for the petitioner to participate in the said auction.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

November 25, 2005

DSK